



RICHMOND COUNTY SHERIFF'S OFFICE


Sheriff Richard Roundtree

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GENERAL ORDER 15-004

To: All Personnel
From: Richard Roundtree, Sheriff 
Date: July 20, 2015
Re: Body Worn Camera (BWC) Policy

Legal Review: May 21-July 14, 2015

Citizens Advisory Board Review: Various Dates

Sheriff's Advisory Council Review: May-June, 2015

Purpose

The purpose of this policy is to provide RCSO deputies with instructions and guidance on when and how to use body worn cameras in a manner so that they may reliably record their contacts with the public in accordance with the law and best practices of law enforcement excellence. The RCSO has adopted the use of body worn cameras to accomplish the following objectives:

- To enhance officer safety
- To document statements and events during the course of an incident
- To enhance the deputy's ability to document statements and actions for both internal reporting requirements and for court preparation and presentation
- To preserve visual and audio information for use in current and future investigations
- To provide an impartial measurement for self-critique and field evaluation during officer training
- To enhance the public's trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings
- To allow for supervisory and professional standard review of officer-citizen contacts, critical incidents and other law enforcement operations.

POLICY

The RCSO recognizes that photographs and digital images can provide a vital piece of evidence in a criminal investigation and prosecution. The RCSO also recognizes that the nature of police work involves officers performing their duties in settings or under circumstances that can often be confrontational. Witnesses, victims and others can misinterpret police actions in these situations. The body worn camera is designed to provide an accurate and unbiased audio and visual record of enforcement related and certain non-criminal incidents in an effort to enhance criminal prosecutions and limit complaints and civil liability. The body worn camera allows for hands-free video and audio recording of important or critical incidents from the perspective of the user as they are occurring. The RCSO also recognizes that the body worn camera is not infallible and only captures images from that perspective in a limited angle (generally 120 degrees). It shall be the policy of the RCSO that all uniform deputies shall activate their body worn camera when such use is appropriate to the proper performance of their duties and where the recordings are consistent with the remainder of this policy and law. This policy shall not govern the use of surreptitious recordings used in undercover operations. It shall also be the policy of the RCSO that all line level personnel of the Field Services Bureau shall be issued a BWC. However, due to the initial costs of procuring the BWCs and storage, we realize that we will have to incrementally implement this process.

DEFINITIONS

BWC- Body Worn Camera

Digital Technicians- an individual(s) who is/are tasked with ensuring proper storage and retention of digital files.

OPERATIONS

Only RCSO approved and issued BWC will be used. RCSO personnel shall not use a BWC until they have completed the proper training in the usage of the BWC. BWC training shall be provided by OPST/RCSO staff and/or BWC vendor personnel. This training shall consist of:

- A review of RCSO policy on the use of the BWC
- A review of the BWC and its functions, capabilities and recommended activations
- A hands-on orientation of the BWC and its associated components
- Additional training may be required at periodic intervals to ensure continued effective use of the BWC

It shall be the policy of the RCSO that deputies shall activate their BWC to record all calls for service, criminal investigations and any other incident that the deputy believes should be recorded. The system shall be activated by pressing the "record" button. Once the BWC has been activated, it shall remain on until the incident has reached a conclusion or the deputy departs the scene. Any and all conversations with a subject on a field interview shall be recorded using the BWC. If the deputy fails to activate the BWC, fails to record the entire event or interrupts the recording, the deputy shall document why the recording was not made, was interrupted or was prematurely terminated.

RCSO personnel shall not, in any manner, attempt to modify, alter, erase or tamper with any portion of a BWC recording. Violations shall be deemed a serious offense punishable by severe sanctions including termination from employment.

The BWC equipment and all data, images, video and metadata captured, recorded or otherwise produced by the equipment is the sole property of the RCSO and may not be copied or distributed outside the parameters of this policy. Data captured by the BWC is to be considered as evidence. The BWC is the responsibility of the individual deputy and shall be used with reasonable care to ensure proper functioning and longevity of the BWC. Equipment malfunctions shall be brought forward to the attention of the supervisor as soon as possible so that a replacement unit may be procured and the malfunctioning unit repaired. Deputies shall not remove data chips or download data. Team leaders may review data with the affected personnel for report purposes.

Deputies shall inspect and test the BWC prior to each shift in order to verify proper functioning. Deputies shall not edit, alter, erase, duplicate, share or otherwise distribute in any manner BWC recordings. BWC recordings may be duplicated or shared under certain circumstances by supervisory personnel. These circumstances shall be covered later in this policy. If a deputy is involved in a serious use of force incident, the supervisor shall immediately and properly secure the BWC and download the contents. Deputies must note in their incident or other report(s) that recordings were made during the incident. BWC recordings are not a replacement for well written and comprehensive reports.

Generally, the BWC shall be used to record for official purposes the following actions including, but not limited to:

- Traffic Stops
- Calls for Service
- Pedestrian Stops (non- Tier One)
- Foot Pursuits
- Vehicle Pursuits

- Searches and Seizures
- Field Interviews
- “Knock and talks”
- Search Warrants
- Drug interdiction activities
- Use of force incidents
- Disorderly individuals
- Encounters with emotionally disturbed individuals
- Domestic Violence situations
- Civil Disturbances
- Advising an Individual of his/her Miranda rights
- Obtaining Verbal Consent from an Individual
- At crime scenes or accident scenes where video or audio evidence can be captured to help document, enhance and support officers, written reports, evidence collection, investigations and court testimony.
- Any law enforcement activity that the deputy deems appropriate.
- Deputies who are issued a BWC and wear their uniform while working a special duty assignment shall record official activities pursuant to this policy.

RESTRICTIONS

The BWC shall not be used for non-law enforcement/personal purposes and shall not be used in places where a reasonable expectation of privacy exists such as locker rooms or restrooms. Under current Georgia law, O.C.G.A. 16-11-62, it is unlawful to video record in any private place without the consent of all persons observed. Therefore, according to our District Attorney, when entering a private home as a responding uniform deputy, you shall not record video without a warrant or consent.

The BWC shall not generally be used to record:

- Communications with other police personnel
- Encounters with undercover law enforcement officers or confidential informants
- When on break or otherwise engaged in personal activities

STORAGE

All files will be securely downloaded at the end of each shift. The Digital Technician(s) shall be responsible for this process to include efficient downloading. The DT shall be responsible for drafting a detailed Standard Operating Procedure (SOP) prior to actual implementation of the BWC program. This policy serves merely as a guide to the BWC program whereas the SOP

shall be a comprehensive set of guidelines for the day-to-day administration of the BWC program.

Storage of the BWC data and images shall be accomplished either by cloud storage or hard drive storage. Storage shall be digitally encrypted in a highly secure environment accessible to personnel based on their security clearance. Only authorized personnel shall have access to the recorded data.

All access to BWC data must be specifically authorized by the Digital Technician(s) pursuant to SOP. The DT(s) shall have an access audit component to ensure that only authorized users are accessing data.

SUPERVISORY RESPONSIBILITIES

Supervisory personnel shall ensure that deputies equipped with BWC devices utilize them in accordance with all policy and procedures related to BWCs. On a monthly basis, supervisors shall conduct a documented random review of BWC recordings to ensure that the equipment is operating properly and that deputies are using the devices appropriately and in accordance with policy. Additionally, supervisors shall review the BWC data as it relates to Use of Force and Pursuit reports, if available.

RETENTION and DISTRIBUTION

Data files of non-traffic stop or non-arrest incidents shall be retained for a period of at least seven (7) days unless a complaint regarding the incident is filed. Data files of all other contacts shall be retained until adjudication and appeals are completed.

Only that portion of a recording which contains a specific contact in question shall be reproduced.

Open Records Requests will be handled by the Internal Affairs Division. Only a copy of the original recording of a specific incident may be released. The original copy shall not be released unless ordered to do so by a valid court order. If a member of the RSCO requests a copy of a recorded incident for court purposes, that request shall be made as soon as possible but at least seven (7) days before court. All data chips/cards/disks shall be considered as evidence and stored as such.

Open Records Requests by the media shall be directed to the Internal Affairs Division/PIO.